

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TAMIKA JOHNSON,

Plaintiff,

v.

CITY OF PHILADELPHIA, et al.,

Defendants.

CIVIL ACTION
NO. 18-4665

ORDER

AND NOW, this 31st day of August 2019, upon consideration of Defendant's Motion to Dismiss For Failure to State a Claim (Doc. No. 9), Plaintiff's Response in Opposition (Doc. No. 10), Defendants' Reply (Doc. No. 11), Plaintiff's Sur-Reply (Doc. No. 12), the arguments of counsel for the parties at the hearing on the Motions (Doc. Nos. 9, 10, 11, 12) held on May 8, 2019, and in accordance with the Opinion of the Court issued on this day, it is **ORDERED** that:

1. Defendant's Motion to Dismiss for Failure to State a Claim (Doc. No. 9) is **GRANTED** on Plaintiff's claims regarding a Violation of Civil Rights Under the Fourteenth Amendment State-Created Danger Exception in Counts I, II, and IV of the Complaint, the claim for Violation of Civil Rights Under the Fourteenth Amendment Based on Monell Liability in Count III of the Complaint, and the state-law claims for Survival Actions and Wrongful Death in Counts VI and VII of the Complaint;
2. Defendant's Motion to Dismiss for Failure to State a Claim (Doc. No. 9) is **DENIED** on Plaintiff's Equal Protection claim alleged in Count V of the Complaint.
3. Plaintiff is granted leave to amend the Complaint with respect to the Equal Protection claim alleged in Count V only. The Amended Complaint shall be filed on or before August 16, 2019.

4. For the reasons explained in the Opinion issued on this day, Defendant Philadelphia Fire Department is dismissed as a Defendant in this case.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.